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No. 06-1107

IN THE

Supreme Court of the United States

WAYNE PERRYMAN ON BEHALF OF HIMSELF AND THE AFRICAN AMERICAN CITIZENS OF THE UNITED STATES,
Petitioner,

v.

DEMOCRATIC NATIONAL COMMITTEE AND NATIONAL DEMOCRATIC PARTY,
Respondents.

On Petition For A Writ Of Certiorari To The United States Court of Appeals For The Ninth Circuit

MOTION OF NATIONAL BLACK REPUBLICAN ASSOCIATION AND FRANCES P. RICE FOR LEAVE TO FILE A BRIEF OF AMICI CURIAE IN SUPPORT OF PETITIONER

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QUESTION PRESENTED

Whether, notwithstanding the Ninth Circuit's determination that the Petitioner lacks *standing* to file a private cause of action in a civil matter to secure a remedy under 18 U.S.C. § 610 for the injuries inflicted on African Americans by the Respondents, the Petitioner should be granted injunctive relief as a matter of equity and in the interest of fairness.

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Amici[1] move pursuant to Supreme Court Rule 37(2)(b) for leave to file the accompanying *amici curiae* brief before the Court in support of Petitioner for a writ of certiorari. *Pro Se Litigant* Petitioner Wayne Perryman has consented. Counsel for Respondents is not available. David J. Burman of Perkins Cole, LLP, informed amici that he is no longer counsel for the Respondents and does not know of any other counsel who has been retained by Respondents for Case No. 06-1107.

[1] Pursuant to Rule 37.6, this brief was not authored in whole or in part by counsel for a party, and no person or entity, other than *amici curiae*, has made a monetary contribution to the preparation or submission of this brief.

STATEMENT OF INTEREST OF AMICI

Amicus NATIONAL BLACK REPUBLICAN ASSOCIATION (NBRA) is a 501 (c)(4) non-profit, social services organization that was created in 2005 and is dedicated to improving the lives of African Americans through economic and political empowerment. The goal of the NBRA is to enlighten African Americans about their political history so that they can seize control over their own destiny, stop having their vote taken for granted and hold politicians accountable for the content of their policies, not the label of their party. To implement a solution to the blighted conditions in urban America, the NBRA seeks to first encourage African Americans to acknowledge the root causes – bad individual choices and the culture of dependency that permeates urban communities. These two factors are the result of four decades of African Americans being convinced that they are "victims" who cannot succeed without government subsidies, the essence of Socialism. The antidote to Socialism is Capitalism. Capitalistic principles include: (1) using the free market to marshal capital for community revitalization, (2) establishing government/private sector partnerships to provide job and self-sufficiency training for individuals related to gainful employment, and (3) empowering law enforcement to aggressively control street crime. Such actions require a change in the political leadership in urban communities, from liberal to conservative, as was done in New York City. Given the reality of America's political system where the majority rules, political decisions made by a majority vote determine the economic progress, decline or stagnation of urban communities. Since America has, in essence, a two-party system, it is of prime importance which political party controls the decision-making process in our urban communities. In general, liberals identify with the Democratic Party, and conservatives identify with the Republican Party. However, in urban communities, conservative African Americans identify with the liberal Democratic Party. In those communities, liberal Democrats maintain control each election cycle by: (1) putting on a conservative "mask;" (2) offering no solutions to the deplorable conditions created by the Democratic

Party's socialist policies; (3) demonizing the Republican Party by falsely claiming that the Republican Party is a party of "rich, white racists" who "disenfranchise" African Americans; (4) blaming Republicans for the deplorable conditions in the urban communities that are run by the Democrats; and (5) inciting African Americans to cast a protest vote against Republicans, not a vote for Democrats. The NBRA is uniquely situated to be an agent for changing the political dynamics in urban communities. The NBRA is planning to host economic forums in urban communities, using as an example the successful economic transformation of an urban community in Sarasota, Florida. The theme of the forums will be: The Pathway to Prosperity – Republican Party Principles in Action. The forums are designed to demonstrate that the Republican Party's platform of strong families, personal responsibility, getting a good education and ownership of homes and small businesses lead to prosperity. Also presented will be the fact that the Democratic Party's policies of Socialism lead to dependency on government handouts and generational poverty. An essential element of the forums will be information about the political history of African Americans, highlighting the fact that it was Republicans, not Democrats, who championed freedom and civil rights for African Americans since the inception of the Republican Party in 1854 as the anti-slavery party. A focus of the NBRA's activities is the achievement of the organization's mission which is bringing African Americans back to what has always been their natural and traditional home, the Republican Party.

Amicus FRANCES P. RICE is the chairman and a co-founder of the NBRA. She is a retired lawyer and retired Army Lieutenant Colonel who, after twenty years of active duty in the military, received the Legion of Merit, the highest medal that can be awarded to a non-combatant.
While on active duty, she served, among other duties, as the commander of a Women's Army Corps company, adjutant of a basic combat training brigade and special assistant to the Army Judge Advocate General. She has been active in the Republican Party since 1962 while she was still in high school and during the modern civil rights era of the 1960's. Colonel Rice's great-grandparents were

slaves, and she spent her formative years in the segregated South during the 1940's, 1950's and 1960's. She was born in Grady Memorial Hospital in Atlanta, Georgia, the same hospital where Dr. Martin Luther King, Jr. was born. From time to time, she attended Ebenezer Baptist Church where Dr. Martin Luther King, Sr. was the pastor and participated in civil rights protests inspired by Dr. Martin Luther King, Jr. She observed Georgia Democrat Governor Lester Maddox as he brandished ax handles to prevent African Americans from patronizing his restaurant. With horrified dismay, she watched the television images of Alabama Democrat Public Safety Commissioner "Bull" Connor in Birmingham as he let loose vicious dogs and turned fire hoses on African American civil rights demonstrators. She saw on television how Arkansas Democrat Governor Orval Faubus stood in the doors of the Little Rock Central High School and blocked the entrance of African American students in defiance of the United States Supreme Court's *Brown v. Board of Education* decision declaring that the "separate but equal" doctrine for America's educational system was unconstitutional. She became aware through television images of how Alabama Democrat Governor George Wallace stood in front of an Alabama schoolhouse in 1963 and thundered, "Segregation now, segregation tomorrow, segregation forever." She experienced first hand the debilitating effects of the segregationist policies and practices of the Democratic Party. At the tender age of eight while she was walking to her elementary school only a few blocks from the dilapidated two-room shack that was her home, she was spat upon and called a "Nigger" by a group of Democrats who were passing by in a car. At the age of twelve, she was forced to run and hide in a nearby store when she was approached menacingly on a public
street by members of the Ku Klux Klan who were Democrats dressed in white robes and hoods. She suffered the indignity of being forced to attend poorly-funded segregated schools, sit in the back of public transportation buses and sit in segregated balconies of movie theaters. She was precluded from using public facilities, including rest rooms and water fountains, by displays of shameful signs marked "For Whites Only." She recalls the deep sense of outrage and humiliation she felt when she frequently viewed a sign in a public park not far from her

home that read: "Niggers and Dogs Not Allowed." At the age of thirteen, she witnessed her family of six being torn asunder after her father became unemployed due to the racist practices of the Democrats and, under the welfare system established by Democrats, public financial assistance could not be provided if her father stayed with the family. For the loss of her family life, she still grieves. The welfare system set in motion a cycle of generational poverty that still plagues a branch of her family today where single mothers subsist on government handouts. When Colonel Rice became eligible to vote, she was blocked at the door of the Atlanta city hall by a Democrat who wanted to prevent her from registering to vote because she was a Republican, as were most African Americans at that time, including Dr. Martin Luther King, Jr. At great risk of physical harm, she pushed her way into the government building and boldly registered to vote. She was aware of numerous African Americans who were brutalized by Democrats and lived in fear because those Democrats who occupied positions of power, including governors, mayors, judges and sheriffs, would never be prosecuted for their brutality. In the early 1970's, while she was serving her country in uniform and walking on a street in Democratic Party-controlled San Francisco, California, she was spat upon and called a "baby killer." As an African American woman who was personally and irreparably harmed by the racist and socialist practices of the Democratic Party, she represents herself in supporting Wayne Perryman on behalf of himself and the African
American Citizens of the United States' appeal to this Court.

SUMMARY OF ARGUMENT

As a matter of equity and in the interest of fairness, the Court should order a permanent injunction requiring the Respondents to issue a formal apology for the irreparable injury suffered by the Petitioner at the hands of the Respondents.

An apology by the Respondents would be in keeping with the action by the North Carolina Democratic Party that issued a unanimous apology on January 20, 2007 for the

Democratic Party's 1898 murderous rampage against African Americans in Wilmington, North Carolina. The apology came as a result of the 1898 Wilmington Race
Riot Commission Report which determined that the Democratic Party was ***solely*** responsible for the 1898 race riot and was submitted on May 31, 2006.

ARGUMENT

A. Since The Petitioner Meets The Four-factor Equity Test, Injunctive Relief Should Be Granted.

Principles of equity that are well-established provide for the Petitioner to receive a permanent injunction by the Court because the Petitioner meets the four-factor test: (1) the Petitioner has suffered an irreparable injury at the hands of the Respondents; (2) the remedy of monetary damages available at law are inadequate to compensate for that injury; (3) considering the balance of hardships between the Petitioner and the Respondents, a remedy in equity is warranted; and (4) the pubic interest would not be disserved by a permanent injunction. See, *e.g.*, *Weinberger* v. *Romero-Barcelo,* 456 U. S. 305, 311.313 (1982); *Amoco Production Co.* v. *Gambell,* 480 U. S. 531, 542 (1987).

B. A Formal Apology was Issued by The Democratic Party in North Carolina

The historic apology, issued unanimously on January 20, 2007 by the North Carolina Democratic Executive Committee, composed of over 700 party leaders and activists from 100 counties, resulted from the1898 Wilmington Race Riot Commission Report of May 31, 2006. The report concluded that the Democratic Party was ***solely*** responsible for the 1898 murderous rampage against African Americans. That reign of terror led to the Democratic Party takeover from Republicans, mainly African American Republicans, who controlled the City of Wilmington during the period known as Reconstruction. See the report, which was commissioned by the state of North Carolina and contains the gruesome details about the killing of African Americans and the usurping of

governmental powers by the Democratic Party, on the Internet at: www.ah.dcr.state.nc.us/1898-wrrc/.

If the North Carolina Democratic Executive Committee can formally apologize for the 1898 Wilmington Race Riot inflicted upon African Americans, is there a reason why the Respondents should not formally apologize for all of the other atrocities and harm inflicted upon African Americans by the Respondents, specifically for the period 1792 to 2002 as identified by the Petitioner?

CONCLUSION

The *Amici* humbly request that the United States Supreme Court reverse the decision of the Ninth Circuit and grant the Petitioner injunctive relief as a matter of equity and in the interest of fairness.

Under the penalty of perjury of the United States the foregoing is true and correct.

Signed this 12th day of March 2007.

Respectfully submitted,

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In Pro Se